

Title: Manhole Device
Serial No. 10/008,601
Filed 11/05/2001
Reply to Office Action of September 8, 2003

REMARKS

Status of the Claims

Claims pending in the above-identified application are Claims 45-48 and Claims 53-57. Claims 45 and 53 are amended. The amendments add no new matter.

Amendment to the Specification

The specification is amended to account for the issuance of the parent application into a U.S. patent and the addition of Figure 21. No new matter is added.

Objection to the Drawings

The Office Action requires a figure showing two wheels mounted to the closure. New Figure 21 shows the required features. This figure does not add new matter. See page 15, lines 20-21. Accordingly, Applicants respectfully request this objection be withdrawn.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 45-48 and 53-57 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Respectfully, the rejection is traversed.

Claim 45 is amended to state that the at least one wheel engages the at least one track as the closure pivots. Claim 53 has been amended to correct the omission of the phrase “at least one” between the words “the” and “track”. Neither amendment narrows the scope of the invention as respectively claimed.

The Office Action questions how the structure of wheels and tracks cooperate to pivot the closure to an open position and maintain its center in Claim 47. As stated in this claim, the closure is pivotally and telescopically mounted to the vessel adjacent the flange for releasably and sealably engaging the flange. At least one wheel is rotatably mounted to the closure and engages the at least one track as the closure pivots. Respectfully, Applicants assert that one of ordinary skill in the art readily understands that the closure “maintains” its center because it is pivotally mounted to the vessel. In addition, the engagement of the at least one tract and the at least one wheel as the closure pivots is self-explanatory. Applicants respectfully assert that no hinge or pivot structure is required in the claim as indicated in the

Title: Manhole Device

Serial No. 10/008,601

Filed 11/05/2001

Reply to Office Action of September 8, 2003

Office Action. It is sufficiently understood by one of ordinary skill in the art to state that the closure is pivotally mounted to the vessel. With respect to the latter question as to how the closure rises above the flange, this aspect is not required to distinguish the claimed invention nor to assist one of ordinary skill in the art to understand the claimed invention. The claims state that the at least one wheel engage the at least one track as the closure pivots. No further explanation is necessary, because the language is clear. Further, since the claim clearly states that the closure is telescopically mounted to the vessel, the closure is capable of rising above the vessel and the flange. Applicants respectfully assert that including the suggested limitations by the Office Action is not necessary for one of ordinary skill in the art to understanding the claimed invention. Nor are such limitations necessary to distinguish the claimed invention over the references of record. Accordingly, Applicants respectfully assert that Claims 45-48 and 53-57 are definite and respectfully request the rejected under 35 U.S.C. § 112, second paragraph, be withdrawn.

Title: Manhole Device
Serial No. 10/008,601
Filed 11/05/2001
Reply to Office Action of September 8, 2003

CONCLUSION

Applicants respectfully request entry of the above amendment. Applicants further request that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by Examiner's Amendment, telephone interview, or otherwise.

In view of the foregoing remarks, Applicants respectfully assert that the rejection of the claims as set forth in the Advisory Action have been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 745-2461 is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit
Account No. 11-0855.

Respectfully submitted,



Jeffery B. Arnold
Reg. No. 39,540

Date: February 3, 2004

OF COUNSEL:

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia, 30309-4530
404-815-6500
Our Docket No.: 51757-0200 (51757-281884)